

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in the application. Claims 1 and 11 are amended by the present amendment. As amended Claims 1 and 11 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Office Action, Claims 1-8 and 11-18 were rejected under 35 U.S.C. §102(b) as anticipated by Decker et al. (U.S. Patent No. 6,554,569, hereinafter "Decker"). Claims 9, 10, 19, and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Decker in view of Liu et al. (U.S. Patent No. 6,508,630, hereinafter "Liu").

Applicants and Applicants' representatives thank Examiners Nguyen and Hanan for the courtesy of the interview granted to Applicants' representatives on April 7, 2006. During the interview, differences between the claims and the cited art were discussed. The Examiners agreed that Decker is at best ambiguous with regard to the configuration of the stacking axis, and thus the claims as amended herein distinguish over the rejections of record.

With regard to the rejection of Claims 1 and 11 under 35 U.S.C. §102(b) as anticipated by Decker, that rejection is respectfully traversed.

Claims 1 and 11 recite in part, "the stacking axis presents, in the lower and upper portions, a tangent line that is substantially radial, and in the intermediate portion, at least two tangent lines having different slopes."

Decker relates to a compressor outlet guide vane. These vanes form a diffuser assembly which is disposed between the compressor and the combustor of the engine. The vanes are fixed and joined between outer and inner annular end walls 38 and 40.<sup>2</sup>

---

<sup>1</sup>See, e.g., the specification at page 6, lines 31-34 and Figure 3.

<sup>2</sup>See Decker, column 3, lines 60-61.

The outstanding Office Action asserted that Figures 6 and 7 of Decker show vanes with two slopes in the intermediate portion thereof. However, Figures 6 and 7 of Decker show that the bend 78 is only present on the leading and trailing edges of the vane.<sup>3</sup> It is respectfully submitted that Figures 6 and 7 of Decker do not show an intermediate portion having *at least two tangent lines having different slopes*, as recited in amended Claim 1. In fact, stacking axis 71 is only shown on Figure 4 of Decker, and in this figure stacking axis 71 is a straight, radial line. Thus, stacking axis 71 as shown in Figure 4 of Decker clearly does not include an intermediate portion as recited in Claim 1.

Thus, to the extent that Figures 6 and 7 of Decker are interpreted as disclosing a stacking axis as recited in Claim 1, Figures 6 and 7 of Decker are inconsistent with Figure 4 of Decker. It is respectfully noted that well settled case law holds that an ambiguous reference cannot be used in a rejection under 35 U.S.C. §102. For example, *In re Turlay* states “It is well established that an anticipation rejection cannot be predicated on an ambiguous reference.” *In re Turlay*, 134 USPQ 355, 360 (C.C.P.A. 1962).

As the Examiners also agreed in the above mentioned interview that Decker is at best ambiguous with respect to the claimed subject matter, it is respectfully submitted that Claims 1 and 11 (and Claims 2-10 and 12-20 dependent therefrom) are not anticipated by Decker and are patentable thereover.

With regard to the rejection of Claims 9, 10, 19, and 20 as unpatentable over Decker in view of Liu, it is noted that Claims 9, 10, 19, and 20 are dependent from Claims 1 and 11, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Liu does not cure any of the above-noted deficiencies of Decker. Accordingly, it is respectfully submitted that Claims 9, 10, 19, and 20 are patentable over Decker in view of Liu.

---

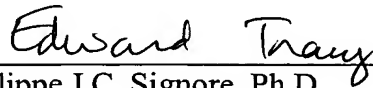
<sup>3</sup>See Decker, column 5, lines 5-10.

Application No. 10/808,275  
Reply to Office Action of December 30, 2005

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Philippe J.C. Signore, Ph.D.  
Attorney of Record  
Registration No. 43,922

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Edward Tracy  
Registration No. 47,998

I:\ATTY\ET\251091US\251091US-AMD4.30.06.DOC